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Order Filed on August 15, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

United States Bankruptcy Court
District of New Jersey - Newark

Caption in Compliance with D.N.J. LBR 9004-2(c)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY -- NEWARK
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In Re:

Chapter 13

Terry L. Small a/k/a Terry Lamar
Small and Brenda Small

Case No.: 18-10171

Hearing Date: 04/28/20

Hon. Michael B. Kaplan

Debtor.

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CONSENT ORDER RESOLVING TERMS FOR PROPOSED SALE

The relief set forth on the following page, numbered two (2)
through three (3) is hereby **ORDERED**.

DATED: August 15, 2020



Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtors: Terry L. Small a/k/a Terry Lamar Small
and Brenda Small
Ch.13 Case No. 18-10171-MBK
Caption: CONSENT ORDER RESOLVING TERMS FOR PROPOSED
SALE

This Consent Order pertains to the property located at 486 Bramhall Avenue, Jersey City, New Jersey 07304, mortgage account ending in "3468;

THIS MATTER having been brought before the court by Nicholas Fitzgerald, Esq., attorney for debtors, TERRY L. SMALL and BRENDA SMALL upon the filing of a Chapter 13 Plan, and Citimortgage, Inc., by and through its attorneys, Phelan Hallinan Diamond & Jones, PC, having filed an Objection to the Confirmation of the Chapter 13 Plan and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for good cause show:

IT IS HEREBY

ORDERED that the Debtors are to cure all post-petition arrears to the Secured Creditor from the proceeds of the sale of the subject property; and it is further

ORDERED that the Debtors will complete the sale of the property no later than March 30, 2021. The sale is subject to a valid payoff that will pay Secured Creditor in full and will be requested at the time of closing; and it is further

ORDERED that the Debtors shall forward to the trustee any net proceeds from the sale of the subject property deemed necessary to pay all unsecured claims in full; and it is further

ORDERED that the Debtors are responsible for all costs and taxes associated with the property pending the sale; and it is further

ORDERED that the Debtors will resume making regular mortgage payments through the trustee and the trustee is hereby authorized to make payments to the Secured Creditor from the funds received from the Debtors; and it is further

ORDERED that should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than ten (10) days late, counsel may file a Certification of Default with the Court upon notice to the Chapter 13 Trustee and Debtors' counsel. If the Debtors fail to cure the default within five (5) days thereafter, the Court may enter an order granting relief from the automatic stay; and it is further

ORDERED that in the event that the sale of the property is not completed by March 30, 2021, Secured Creditor can certify to default and apply to the court for relief from the automatic stay; and it is further

ORDERED that this Order shall be incorporated into and become part of any Order Confirming Plan in the herein matter.

I hereby consent to the entry of this Order.

/s/ James J. Fitzpatrick
James J. Fitzpatrick, Esq.

July 30, 2020
Date

/s/ Robert J. Davidow
Robert J. Davidow, Esq.

July 30, 2020
Date

In re:
Terry L Small
Brenda Small
Debtors

Case No. 18-10171-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 2

Date Rcvd: Aug 17, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 19, 2020.

db/jdb +Terry L Small, Brenda Small, 10 Margaret Drive, Dayton, NJ 08810-1327
aty +Nicholas Fitzgerald, Fitzgerald and Associates, 649 Newark Avenue,
Jersey City, NJ 07306-2341

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 19, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 17, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Aleisha Candace Jennings on behalf of Creditor LoanCare, LLC ajennings@rasflaw.com
Aleisha Candace Jennings on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing
ajennings@rasflaw.com
Andrew L. Spivack on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
James J. Fitzpatrick on behalf of Debtor Terry L Small nickfitz.law@gmail.com,
nadiafinancial@gmail.com;jfitzpatrick@fitzgeraldcrouchlaw.com;fitz2law@gmail.com
James J. Fitzpatrick on behalf of Joint Debtor Brenda Small nickfitz.law@gmail.com,
nadiafinancial@gmail.com;jfitzpatrick@fitzgeraldcrouchlaw.com;fitz2law@gmail.com
Julie Cascino on behalf of Creditor Nationstar Mortgage LLC jcascino@grosspolowy.com,
ecfnotices@grosspolowy.com
Laura M. Egerman on behalf of Creditor DITECH FINANCIAL LLC bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Laura M. Egerman on behalf of Creditor Ditech Financial LLC bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Lynn Therese Nolan on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
ecfnotices@grosspolowy.com, lnolan@grosspolowy.com
Lynn Therese Nolan on behalf of Creditor Nationstar Mortgage LLC ecfnotices@grosspolowy.com,
lnolan@grosspolowy.com
Marguerite Mounier-Wells on behalf of Debtor Terry L Small nadiafinancial@gmail.com,
mwells@fitzgeraldcrouchlaw.com;Fitz2Law@gmail.com
Marguerite Mounier-Wells on behalf of Joint Debtor Brenda Small nadiafinancial@gmail.com,
mwells@fitzgeraldcrouchlaw.com;Fitz2Law@gmail.com
Maria D. Ramos-Persaud on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
mramos-persaud@grosspolowy.com, ecfnotices@grosspolowy.com
Nicholas Fitzgerald on behalf of Debtor Terry L Small Fitz2Law@gmail.com
Nicholas Fitzgerald on behalf of Joint Debtor Brenda Small Fitz2Law@gmail.com
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
Robert Davidow on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com
Rosemarie Diamond on behalf of Loss Mitigation CitiMortgage, Inc. miguel.zavala@fedphe.com
Sindi Mncina on behalf of Creditor LoanCare, LLC smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 23